



270108
Progress Energy

Charles R. Wakild, PE
Executive Director
Environment, Health & Safety
Progress Energy Service Company, LLC

February 5, 2004

Dockets Facility
U. S. Department of Transportation
Room PL-401
400 Seventh Street, SW.
Washington, DC 20590-0001

RSPA-97-3001-17

RE: Comments of Progress Energy Florida, Inc. on Notice of Proposed Rulemaking (NPR) Amending Pipeline Safety Regulations to Require Periodic Underwater Inspections; 68 Fed. Reg. 69368-69373 (December 12, 2003), Docket Number RSPA-97-3001, RIN 2137-AC54

Dear Docket Manager:

Progress Energy Florida, Inc. (PEF), a subsidiary of Progress Energy, Inc., provides electricity and related services to more than 1.5 million customers in Florida. The company is headquartered in St. Petersburg, Fla., and serves a territory encompassing over 20,000 square miles including the cities of St. Petersburg, Clearwater, as well as the central Florida area surrounding Orlando. PEF owns and operates 15 power plant sites in Florida with a total generating capacity of more than 10,500 MWe. As part of our generation business, PEF also owns and operates the Bartow/Anclore Pipeline. The Bartow/Anclore Pipeline is a single, 33-mile hot oil pipeline between St. Petersburg and Holiday, Florida. The pipeline transports heated (#6) fuel oil from the Bartow Plant (St. Petersburg) to the Anclore Plant (Holiday). Accordingly, we have carefully reviewed the subject proposed amendments to the pipeline safety regulations and offer the following comments which are being submitted on behalf of PEF.

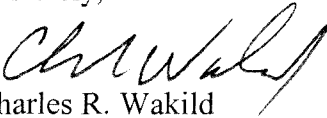
At 49 C.F.R. §192.3 and §195.2, a new definition for *Commercially Navigable Waterways* should be added. Under Part II, Section C. of the Supplementary Information (68 Fed. Reg. 69370 (December 12, 2003)), the NPR states: "Under this proposed rule, the affected navigable waterways are those waterways with a substantial likelihood of commercial navigation." In the same section, the NPR refers to a database, the National Waterways Network that delineates "commercially navigable waterways and non-commercially navigable waterways." This information should be made a part of the final amended rule.

At 49 C.F.R. §192.612(a) and §195.413(a), the word “commercially” should be added to more accurately describe the “navigable waterways” where procedures for periodic underwater inspections could be required. As discussed above, it is clear from the supplemental information provided in the NPR that the intent of the proposed amendments is to require inspections of those pipelines that cross under commercially navigable waterways. Accordingly, PEF recommends the following specific language regarding the proposed amendment addressing underwater inspections and reburial of pipelines:

*“...each operator shall prepare and follow a procedure to conduct periodic underwater inspections of its offshore pipeline facilities and those crossing under **commercially** navigable waterways in waters less than 15 feet deep to ensure that the pipeline is not exposed or a hazard to navigation.”*

We appreciate this opportunity to comment and look forward to working with your agency in the future. If you have questions concerning our comments, please contact me at (919) 546-2449 or Mick Greeson at (919) 546-5438.

Sincerely,


Charles R. Wakild